



4910-13

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2019-0846; Airspace Docket No. 19-AWP-78]

RIN 2120-AA66

Proposed Amendment of Air Traffic Service (ATS) Route V-165; Western United States

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend one domestic Very High Frequency Omnidirectional Range (VOR) Federal airway (V-165) in the western United States. The modifications are necessary due to the planned decommissioning of the Clovis, CA, VOR portion of the VOR/Tactical Air Navigation (VORTAC) navigation aid (NAVAID), which provides navigation guidance for portions of the affected ATS route. The Clovis, CA, VOR is being decommissioned as part of the FAA's VOR Minimum Operational Network (MON) program.

DATES: Comments must be received on or before [INSERT DATE 45 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, D.C. 20590; telephone: 1(800) 647-5527, or (202) 366-9826. You must identify FAA Docket No. FAA-2019-0846; Airspace Docket No. 19-AWP-78 at the beginning of your comments. You may also submit comments through the Internet at <https://www.regulations.gov>.

FAA Order 7400.11D, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at https://www.faa.gov/air_traffic/publications/. For further information, you can contact the Rules and Regulations Group, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC, 20591; telephone: (202) 267-8783. The Order is also available for inspection at the National Archives and Records Administration (NARA).

For information on the availability of FAA Order 7400.11D at NARA, email:

fedreg.legal@nara.gov or go to <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

FOR FURTHER INFORMATION CONTACT: Kenneth Ready, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591; telephone: (202) 267-8783.

SUPPLEMENTARY INFORMATION:

Authority for this Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would modify the route structure as necessary to preserve the safe and efficient flow of air traffic within the National Airspace System.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual

basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA-2019-0846; Airspace Docket No. 19-AWP-78) and be submitted in triplicate to the Docket Management Facility (see “ADDRESSES” section for address and phone number). You may also submit comments through the Internet at <https://www.regulations.gov>.

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: “Comments to FAA Docket No. FAA-2019-0846; Airspace Docket No. 19-AWP-78.” The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified comment closing date will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the comment closing date. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at <http://www.regulations.gov>. Recently published rulemaking documents can also be accessed through the FAA’s web page at https://www.faa.gov/air_traffic/publications/airspace_amendments/.

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Office (see “ADDRESSES” section for address and phone number) between 9:00 am and 5:00 pm, Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the office of the Western Service Center, Operations Support Group, Federal Aviation Administration, 2200 South 216th St., Des Moines, WA 98198.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019, and effective September 15, 2019. FAA Order 7400.11D is publicly available as listed in the ADDRESSES section of this document. FAA Order 7400.11D lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

Background

V-165 was previously listed in a notice of proposed rulemaking action (Docket No. FAA-2018-0713; Airspace Docket No. 18-AWP-10, published November 5, 2018 (83 FR 55308) for amendment. However, the proposed change to V-165 was withdrawn from that rulemaking effort due to the proposed amendment not achieving flight check satisfaction due to NAVAID out-of-tolerance signal strength (84 FR 35292; July 23, 2019). The remaining ground-based NAVAID coverage in the area is insufficient to enable the continuity of the affected airway. As such, proposed modification to V-165 would result in a gap in the ATS route structure. To overcome the gap in V-165, instrument flight rules (IFR) traffic could use VOR Federal airway V-459 at EXTRA INT (INT Tule, CA 339°(T) 323°(M) and Avenal, CA, 042°(T) 026°(M) radials) to Friant VORTAC. Northbound from Friant VORTAC aircraft could utilize V-230 to the northeast to Mina VORTAC to join V-564 northwest bound to Mustang VORTAC and then resume V-165.

Alternatively, aircraft could remain on V-459 northwest bound to Linden VOR/DME to join V-28 or V-113 northeast bound to Mustang VORTAC and then resume V-165. Additionally, IFR traffic could file point to point through the affected area using fixes that will remain in place, or receive air traffic control (ATC) radar vectors through the area. Visual flight rules pilots who elect to navigate via the airways through the affected area could also take advantage of the adjacent VOR Federal airways or ATC services listed previously.

The Proposal

The FAA is proposing an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to modify Domestic VOR Federal Airway, V-165. Full route description is in “The Proposed Amendment” section of this notice.

The proposed ATS route change is outlined below.

V-165: V-165 currently extends between the Mission Bay CA, VORTAC to the Whatcom WA, VORTAC. V-165 would be amended on the segment between the Tule, CA, VOR/DME and the Mustang, NV, VORTAC. The proposed amendment would stop at EXTRA intersection (INT Tule, CA 339°(T) 323°(M) and Avenal, CA, 042°(T) 026°(M) radials) and then resume at MARRI intersection (INT Squaw Valley, CA 133°(T) 117°(M) and Mustang, NV, 183°(T) 167°(M) radials). The unaffected portion of the existing route will remain as charted.

Domestic VOR Federal Airways are published in paragraph 6010 of FAA Order 7400.11D dated August 8, 2019, and effective September 15, 2019, which is incorporated by reference in 14 CFR 71.1. The Domestic VOR Federal Airway listed in this document will be subsequently published in the Order.

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures" prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71--DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

§71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11D, Airspace Designations and Reporting Points, dated August 8, 2019 and effective September 15, 2019, is amended as follows:

* * * * *

Paragraph 6010—Domestic VOR Federal Airways

V-165 [Amended]

From Mission Bay, CA; INT Mission Bay 270°(T) 255°(M) and Oceanside, CA, 177°(T) 162°(M) radials; Oceanside; 24 miles, 6 miles wide, Seal Beach, CA; six (6) miles wide, INT Seal Beach 287°(T) 272°(M)° and Los Angeles, CA, 138°(T) 123°(M) radials; Los Angeles; INT Los Angeles 357°(T) 342°(M), and Lake Hughes, CA, 154°(T) 139°(M) radials; Lake Hughes; INT Lake Hughes 344°(T) 329°(M) and Shafter, CA, 137°(T) 123°(M) radials; Shafter; Tule, CA; INT Tule 339°(T) 323°(M) and Avenal, CA, 042°(T) 026°(M) radials. From INT Squaw Valley, CA 133°(T) 117°(M) and Mustang, NV, 183°(T) 167°(M) radials; 72 miles, 50 miles, 131 MSL, Mustang, NV; 40 miles, 12 AGL, seven (7) miles, 115 MSL, 54 miles, 135 MSL, 81 miles, 12 AGL, Lakeview, OR; 5 miles, 72 miles, 90 MSL, Deschutes, OR; 16 miles, 19 miles, 95 MSL, 24 miles, 75 MSL, 12 miles, 65 MSL, Newberg, OR; 32 miles, 45 MSL, INT Newberg 355°(T) 334°(M) and Olympia, WA, 195°(T) 176°(M) radials; Olympia; Penn Cove, WA; to Whatcom, WA.

Issued in Washington, DC, December 2, 2019.

Scott M. Rosenbloom,

Acting Manager, Rules and Regulations Group.

[FR Doc. 2019-26392 Filed: 12/9/2019 8:45 am; Publication Date: 12/10/2019]